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10 UNITED STATES DISTRICT COURT  
11 IN THE NORTHERN DISTRICT OF CALIFORNIA  
12 OAKLAND DIVISION

13 EPIC GAMES, INC.,

14 *Plaintiff, Counter-defendant,*

15 v.

16 APPLE INC.,

17 *Defendant, Counterclaimant.*  
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Case No. 4:20-cv-05640-YGR-TSH

**[PROPOSED] ORDER GRANTING  
APPLE'S MOTION FOR PRE-TRIAL  
SANCTIONS**

Date: April 13, 2021 at 2:00 pm

Courtroom: 1, 4th Floor

Judge: Hon. Yvonne Gonzalez Rogers

21 **[PROPOSED] ORDER GRANTING APPLE'S MOTION FOR PRE-TRIAL SANCTIONS**

22 This matter is before the Court on Defendant Apple, Inc's ("Apple") Motion for Pre-Trial  
23 Sanctions against Plaintiff Epic Games, Inc. ("Epic"). The Court, having considered all of the  
24 papers submitted by the parties and the relevant authorities, hereby **GRANTS** Apple's motion.  
25 Epic's Rule 26 disclosures were deficient, and Epic's deficient disclosures were neither  
26 substantially justified nor harmless under Rule 37. Accordingly, the Court grants Apple's Motion  
27 for Pre-Trial Sanctions against Epic.  
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1           **IT IS THEREFORE ORDERED** that Vivek Sharma, Lori Wright, and Benjamin Simon  
2 shall be precluded from testifying at trial unless they produce documents necessary for a fair cross-  
3 examination at least four business days prior to their respective depositions, which must occur no  
4 later than April 28, 2021.

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6 IT IS SO ORDERED

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8 Dated: \_\_\_\_\_, 2021 at \_\_\_\_\_

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Hon. Yvonne Gonzalez Rodgers  
United States District Judge  
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